

## **REMARKS**

With this Response, claim 15 is amended. No claims are added or canceled. Therefore, claims 1-25 are pending.

## **PROCEDURAL POSTURE OF THE APPLICATION**

As a first matter, Applicants note that the statement on page 2 of the Office Action regarding continued examination in response to the filing of an RCE should be clarified. In response to a Final Office Action issued January 12, 2006, Applicants filed a Response After Final, which was rejected in an Advisory Action issued May 9, 2006. In response to the Advisory Action, Applicants filed an Appeal and submitted a Pre-Appeal Request for Review. No RCE was filed. The Office Action issued on October 10, 2006 (hereinafter "the Office Action") resulted from the decision of the Panel issued July 24, 2006, which was in response to the Pre-Appeal Request for Review.

As a second matter, Applicants note that the above-referenced patent application has had several Office Actions issued. As previously stated in Applicants' Response to the Final Office Action of January 12, 2006, the Office has yet to provide a complete rejection of the claimed invention, which prejudices the Applicants. Two of the independent claims have at least one element that still has not been addressed in the Office Actions. While Applicants understand that claim terms are given a broad interpretation in examination of an application, interpreting a claim term so broadly as to remove it entirely from being an element of the claim must certainly fall under the category of an impermissibly, "unreasonably broad" interpretation. Applicants note that the Office Action is devoid of explanation or reasoning. The Office Action merely recites all limitations of the claimed invention, and cites to several paragraphs from the cited references. There is no reasoning provided as to what sections of the cited references are purported to disclose what elements. **Thus, the Office has again failed in its duty to provide a prima facie rejection of the claimed invention.** Applicants submit that the cited references fail to provide support for a rejection of the claimed invention. If Applicants had been provided with a rejection of sufficient detail to understand what features of the cited reference are purported to disclose the individual elements of the claimed invention, Applicants could respond with a detailed argument regarding the merits of cited reference. Note that it is not possible from the Office Action to understand how the cited references are being interpreted in the rejection of the claimed invention. Applicants are under no duty to guess as to what the rejection could have or should

have stated with regards to the cited references. The Office has the burden of providing a prima facie case of rejection, as set forth in more detail below. Applicants therefore have no duty to respond to the Office Action.

In an effort to show forth good faith and attempt to expedite prosecution of this application to its final resolution, Applicants include below an example of at least one element not argued in the Office Action, and not shown in the cited references.

#### **CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1, 4-8, 11-23, and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0146129 of Kaplan et al. (hereinafter "Kaplan"). Applicants submit that the claims are not anticipated by the cited reference for at least the following reasons.

Claim 1 recites the following:

a communication device establishing a wireless communication session with a remote user terminal, the wireless communication session having associated therewith a session time limit;  
the communication device **detecting a session renewal**; and  
the communication device **altering the session time limit in response to detecting the session renewal**.

Claims 8 and 15 similarly recite a session renewal. No such feature is suggested in the cited references.

As per MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." In the examination, the Office should set forth clearly what is the rejection in order to afford Applicants the opportunity to respond. See, for example, 37 CFR 1.104 (c)(2): "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. **The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.**" Furthermore, as per MPEP § 706, "The goal of examination is to **clearly articulate any rejection early in the prosecution process** so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." Emphasis added.

The Office Action fails to set forth a prima facie case of anticipation under MPEP § 2131 at least for failing to reject at least one element of the claimed invention. For example, as noted above, Applicants' claims recite detecting a session renewal. Furthermore, a session time limit is altered in response to detecting the session renewal.

The Kaplan reference discusses management of a wireless connection to a database. In particular, the reference at paragraphs [0038]-[0041] discusses how the database management saves the state of a session of a user, even after timeout of the session. The reason for saving the state is to enable the user to "reconnect to a session that was timed out" and allow the user to continue "at the same point within the database at which he or she was working before his or her connection timed out." [0039].

Applicants note that as per Kaplan, a session is **closed**, and can later be reconnected, assuming the closure resulted from an inactivity period timing out. As Applicants have understood, there is no **session time limit** in the reference, in contrast to what is claimed. The reference discusses a fixed period of inactivity after which the session is closed, and state is saved. According to the reference itself, a session may be opened for any length of time, as long as it is active. Thus, there is no session time limit associated with a session, in contrast to what is recited in Applicants' claims. What Kaplan teaches is closing a session after a fixed period of **inactivity**, which has **nothing to do with a time limit or the length of the session itself**, but rather with the activity level of the session. In Kaplan, a session may be opened indefinitely, and will be closed if activity falls to a threshold (zero) for a period of time (the timeout period). In contrast, Applicants' claims recite a **session time limit** associated with a **session**.

The timeout period can apparently be altered in Kaplan by direct user input (i.e., the user sets the timeout period based on how long the user expects to be inactive in the database at a time). [0040], [0041]. Nowhere does Kaplan suggest that the sessions have time limits or that a different session time limit could be set.

In contrast to anything disclosed or suggested by the cited reference, Applicants' claims further recite a session renewal, which is not addressed in the Office Action. As Applicants have understood the reference, nothing in the Kaplan reference would be interpreted by one of skill in the art as a session renewal as claimed. Furthermore, Applicants' claims recite altering a session time limit in response to detecting a session renewal. Given that Kaplan fails to support a rejection of a session renewal, the reference further fails to disclose or suggest altering the session time limit in response to detecting the session renewal, for at least the same reasons.

Thus, Applicants submit that the Office Action fails to set forth a complete rejection of the claims for failing to address at least one element of the claimed invention. Furthermore, the reference fails to support an interpretation that would support a rejection of the claims under the reference. For at least these reasons, Applicants submit that the independent claims are not anticipated by the cited reference. The remaining claims depend from the independent claims and are patentable over the cited reference for at least the same reasons.

### **CLAIM REJECTIONS - 35 U.S.C. § 103**

Claims 2-3, 9-10, and 24 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Kaplan in view of US Patent Publication No. 2002/0087716 of Mustafa (hereinafter "Mustafa"). Applicants respectfully submit that these claims are patentable over the cited references for at least the following reasons.

Each of these claims depends from the independent claims. The rejection of these claims is based upon a defective rejection of the independent claims under Kaplan, as discussed above. The citing of Mustafa fails to cure the defectiveness of the rejection with respect to the independent claims, regardless of the merits of the reference. However, even considering the merits of Mustafa, the reference is not cited as curing, nor does it cure the deficiencies of Kaplan as noted above. The independent claims are patentable over the cited references, and therefore, the dependent claims are patentable over the cited references for at least the same reasons. See MPEP § 2143.03.

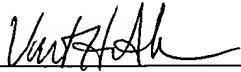
### **CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this submission to Deposit Account No. 02-2666, and is requested to notify us of same.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

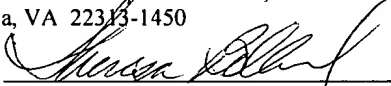
Date: January 10, 2007

  
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01/10/07  
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